

**BOARD PROCEEDINGS**  
**April 1, 2011**  
**REGULAR APRIL SESSION**

The Board of Supervisors met pursuant to adjournment. Present were: Don McGregor, Chairman, Don Besch, Eugene Elsbecker, Jack Plathe and Pam Wymore.

Motion by Besch and 2<sup>nd</sup> by Plathe to approve the agenda. Motion carried.

Motion by Elsbecker and 2<sup>nd</sup> by Wymore to approve the minutes of the previous meeting as read. Motion carried.

Motion by Besch and 2<sup>nd</sup> by Wymore to approve the claims which includes one handwritten claim in the amount of \$200.00 payable to Maricopa County Sheriff. Motion carried.

Airgas NC	Supplies	122.85	1
Algona Marine & Sport	Supplies	131.88	1
AMU	Phone	2,207.35	15
Algona Plumbing & Heating	Service	240.00	1
Algona Public Library	Budget Alloc	19,614.54	1
American Fabricators & Eng	Supplies	263.91	1
American Glass Company	Repairs	100.00	1
AU Life Ins	Ins.	62.40	1
Aramark	Service	126.62	2
Arnold Motor Supply	Parts	161.83	2
A.T. & T.	Phone	33.39	1
Fidelity Security Life Ins Co	Ins	18.12	1
Bancroft Public Library	Budget Alloc	6,906.43	1
Barnes Group	Supplies	519.22	1
Karen Benschoter	Exp	185.27	1
Arnie Berte Berte Repair	Repairs	487.55	2
Best Western Altoona Inn	Room Fee	56.00	1
Bomgaars	Supplies	395.98	3
Phil Bormann	VA Mtg	27.00	1
Burt Public Library	Budget Alloc	6,257.24	1
Buschers Service Center	Services	234.70	1
Carpenter Uniform Company	Supplies	379.95	1
CDW Government, Inc	Supplies	244.81	2
Central IA Dist	Supplies	170.75	1
Certified Laboratories	Supplies	149.28	1
Cintas	Supplies	76.61	1
City of Algona	Expenses	8,154.29	1
City of Fenton	Utilities	26.00	1
City of Lakota	Utilities	122.25	1
City of Titonka	Materials	714.86	2
City of Wesley	Utilities	40.00	1
City of West Bend	Utilities	583.72	1
Computer Systems	Updates	219.95	1
Counsel Office & Document	Fee	8.41	1
CCMS	Service	396.00	1
Lester Coy	Payment	375.00	1
Dick Crail	Beaver Tails	100.00	1
D. Crouch	Reimbursement	14.96	1
Dept of Administrative Service	Services	124.56	1
Duncan Heights	Services	7,185.71	1
Ecolab	Service	187.95	1
Electronic Engineering Co	Contract	149.50	2
Farm & Home Publishers	Supplies	388.00	1
Farm Plan	Repairs	11.71	1
Farmers Cooperative Elevator	LP	697.20	1
Fastenal Company	Supplies	14.54	1
Fenton Public Library	Budget Alloc	5,641.54	1
Fort Dodge Steel	Repairs	2,412.60	1
Galls	Supplies	227.75	1

Gardiner Thomsen	Audit	7,750.00	1
Amber Garman	Exp	315.63	1
Don Goede Snap-On Tools	Tools	752.05	1
Mary Beth Hanson, LISW Behavior Services	Services	375.00	1
Mary Hauptmann	Exp	40.03	1
Holmes Lock & Safe Company	Locks	200.00	1
Todd M. Holmes	Exp	676.28	1
Hotel Fort Des Moines	Lodging	244.16	1
Hutzells	Supplies	312.65	5
John Hyink	Services	895.00	1
IACCVA Cedar County Veterans A	Registration	60.00	1
Iowa County Attorney's Assoc	Dues	330.00	1
Iowa County Records Assn	Maint.	2,185.45	1
Iowa Department of Ag and Land	Inspection	200.00	1
Iowa Dept of Public Health Bur	Records	45.00	1
Iowa Law Enforcement Academy A	Registration	435.00	1
IOS	Supplies	853.11	10
IA Prison Ind	Signs	4,341.20	1
ISACA Eric Van Lancker	Reg	505.00	7
Marlys Jennings	Exp	14.19	1
Joanne Mergen DBA Joanne's Alt	Services	52.00	1
Thomas Johnson	VA Mtg.	34.00	1
Johnsons Food Center	Supplies	119.35	1
Johnston Autostores	Supplies	1,369.62	1
K's Industrial Supply	Supplies	103.08	1
Jim Kelley	Exp	112.00	1
Kemco Tires Inc	Repairs	17.75	1
Kmart	Supplies	102.80	3
KRHC	Service	410.00	2
Kossuth Co Auditor	Plat Book	24.00	1
Kossuth County EMS Association	Dues	25.00	1
KC Sec Road	Fuel	179.70	1
KC Sheriff	Service	73.00	4
KC Treas	UPS	276.14	3
Jayne Kriepps	Exp	7.00	1
Lacal Equipment Inc	Supplies	5,126.60	1
Lakota Public Library	Budget Alloc	5,481.82	1
Nick Larson	Expenses	47.74	1
Ledyard Public Library	Budget Alloc	5,203.59	1
Lentz Funeral Home	Services	3,400.00	2
Lifeworks Community Services	Services	1,127.60	1
LuVerne Public Library	Budget Alloc	5,479.24	1
Mail Serv	Postage	447.88	1
Maple Park Apartments	Rent	112.94	1
Martin Marietta Aggregates	Rock	179.46	1
Mental Health Center of North	Services	55.51	1
Mid Am Energy	Service	6,362.39	2
Midwest Alarm Services	Services	840.00	1
Mike Looft TW	Fuel	7,154.17	1
Adam S. Miller	Reimbursement	20.25	1
C Miller	Service	308.00	2
Seth Muller	Expenses	28.63	1
NC IA MH	Service	202.75	1
North Iowa Lumber & Design	Supplies	16.14	1
NW Comm	Service	288.75	1
NW Tel	Phone	41.17	1
NW Tel	Service	343.14	1
Oakcrest	Service	2,350.00	1
Old Republic Surety Group	Bond Renewal	100.00	1
Carol Olson	Expenses	24.58	1
Opportunity Village	Services	4,604.44	1
Overhead Door Co Webster Count	Repairs	81.83	1
Palo Alto County Sheriff	Services	96.69	2
P Bowes	Postage	2,412.00	1
Polk County Treasurer %Polk Co	Services	25.00	1
Quill Corporation	Supplies	337.19	2
QWEST	Phone	827.05	4
Nicholas Rahm	Exp	190.69	1
Rapid Reproductions Inc	Supplies	855.09	1

RDJ Spec.	Supplies	673.61	1
RealVNC Ltd Betjeman House	Software	108.00	1
Renaissance Savery Hotel	Lodging	132.36	1
Robinson Textiles, Inc.	Supplies	888.88	1
C Robinson	Exp.	112.22	1
RSM McGlad.	Service	991.00	2
Ruhnke Bros	Service	146.79	3
Paul Schaumburg	Payment	375.00	1
Scott Telecommunications	Services	1,023.12	1
Secure Shred Solutions	Services	48.00	1
Sec St Bank	Service	25.00	1
Sign Works Ink	Supplies	39.12	1
Dean Simpson	Exp	46.50	1
Solutions	Service	200.00	1
Swea City Public Library	Budget Alloc	6,478.79	1
Tee's Plus	Supplies	382.32	2
The Des Moines Register	Subscription	156.54	1
The Phoenix Group	Services	114.00	1
Water Conn	Service	50.00	3
Titonka Public Library	Budget Alloc	6,329.37	1
Tom Eischen Sales Inc.	Repairs	176.75	1
Trans IA Equip	Repairs	5,164.30	1
US Cellular	Service	637.61	5
UZ Engineered Products	Supplies	116.62	1
Verizon Wireless	Phone	73.10	1
Verizon Wireless	Supplies	390.85	1
Village Northwest Unlimited	Services	469.35	1
Von Bokern Associate	Services	3,875.00	1
Joyce Wagner	Services	36.00	1
Warner Plastics & Liners	Supplies	792.00	1
Watch Guard Video	Equipment	5,225.00	1
Jordan Weichert	Exp	5.58	1
Wesley Public Library	Budget Alloc	6,027.96	1
West Bend Public Library	Budget Alloc	1,624.71	1
Whittemore Public Library	Budget Alloc	6,190.26	1
IA Telecom	Service	187.71	2
Pam Wymore	Exp	58.14	1
A Zwiefel	Exp.	16.03	1
Grand Total		193,965.29	

#### **Drainage Claims**

McClure Engineering	Drain 2	3990.00
William Rotterman	Drain 2	220.61
Kuehl & Payer Ltd.	Drain Hk 2-36 Ours	1132.25
McClure Engineering	Drain Pak #1 Lat 57	582.00
Kossuth County Auditor	Drain Pak #1 Lat 57	14.52
Kuehl & Payer Ltd.	Drain 186	1138.50
McClure Engineering	Drain EK #2 Lat E-E	885.42
McClure Engineering	Drain EK #2 Main Tile	5952.50
Kossuth County Auditor	Drain EK #2 Main Tile	19.80

Motion by Plathe and 2<sup>nd</sup> by Besch to approve Resolution #04-01-11-01 which issues the proclamation of April being sexual assault awareness month. Motion carried.

#### **Resolution #04-01-11-01**

It's time...to speak up with this community Sexual Assault Awareness Proclamation

Whereas, Sexual Assault Awareness Month is intended to draw attention to the fact that sexual violence is widespread and has public health implications for every community member of Kossuth County; and

Whereas, Rape, sexual assault, and sexual harassment impact our community as seen by statistics indicating that one in five women will have experienced sexual assault by the time they complete college (Fisher, Cullen, & Turner, 2000); and

Whereas, We must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and

Whereas, Staff and volunteers of anti-violence programs at/in Kossuth County encourage every person to speak out when witnessing acts of violence however small; and

Whereas, With leadership, dedication, and encouragement, there is compelling evidence that we can be successful in reducing sexual violence in Kossuth County through prevention education, increased awareness, and holding perpetrators who commit acts of violence responsible for their actions; and

Whereas, Kossuth County strongly supports the efforts of national, state and local partners, and of every citizen to actively engage in public and private efforts, including conversations about what sexual violence is, how to prevent it, how to help survivors connect with services, and how every segment of our society can work together to better address sexual violence.

NOW THEREFORE BE IT RESOLVED, that I Board of Supervisors, join anti-sexual violence advocates and support service programs in the belief that all community members must be part of the solution to end sexual violence. Along with the United States Government and State of Iowa I do hereby proclaim April as "Sexual Assault Awareness Month!" Dated this 1<sup>st</sup> day of April, 2011.

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Chairman, Board of Supervisors

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Attest: Kossuth County Auditor

Public discussion and committee reports were held followed by drainage.

Public Hearing/Gravel Pit Reversion, Section 11, Seneca Township

Motion by Wymore and 2<sup>nd</sup> by Plathe to open the public hearing for discussion on the conveyance of the county's interest in real property located in the northeast quarter of the northwest quarter of section 11 of Seneca Township to Margie Miller estate, Genese Swanson and Rose Thompson McGloughlin. Roll Call Vote: Besch: yes, Elsbecker: yes, Plathe: yes, Wymore: yes, and McGregor: yes Motion carried.

No public comments were received by mail or at the hearing.

Motion by Plathe and 2<sup>nd</sup> by Besch to end discussion on the conveyance of the county's interest in real property located in the northeast quarter of the northwest quarter of section 11 of Seneca Township to Margie Miller estate, Genese Swanson and Rose Thompson McGloughlin and close the public hearing. Roll Call Vote: Besch: yes, Elsbecker: yes, Plathe: yes, Wymore: yes, and McGregor: yes Motion carried.

Motion by Elsbecker and 2<sup>nd</sup> by Wymore to approve Resolution #04-01-11-02 for the gravel pit reversion in Section 11, Seneca Township.

**Resolution #04-01-11-02**

WHEREAS, Kossuth County was deeded a tract of land, described in Book 73 L.D. Page 500, on December 11, 1931 hereinafter referred to as Tract I and

WHEREAS, Kossuth County's deed to Tract I contains a reversion clause stating title shall revert back to the original subdivision from whence it was taken once road materials are removed and

WHEREAS, all suitable road materials have been exhausted from the Tract I and

WHEREAS, it is in the best interest of Kossuth County to clear its right, title, interest, claim and demand to Tract I and

WHEREAS, Kossuth County is required by Iowa Code 331.361 to conduct a public hearing when disposing of an interest in real property by sale or exchange and

WHEREAS, notice of the time and place of the public hearing on the proposal to transfer ownership for Tract I has been published according to Iowa law and

WHEREAS, the Kossuth County Board of Supervisors has held a public hearing regarding the proposed transfer of ownership.

NOW THEREFORE BE IT RESOLVED that Kossuth County Quit Claim all its title, interest, claim and demand for the following described real estate located in Kossuth County, Iowa:

A tract of land previously described in Book 73 L.D. Page 500, more particularly described as follows:

All that part of the NE ¼ of the NW ¼ of Section 11-98-30 bounded and described as follows; Beginning at a point thirty three (33') feet south of the corner stone at the Northeast corner of the Northwest one quarter (NW ¼) of Section Eleven (11) in Township Ninety Eight (98) North, Range Thirty (30) West of the 5<sup>th</sup> P.M., thence west Three Hundred ninety eight and five tenths (398.5') feet; thence south four hundred sixty nine and seven tenths (469.7') feet; thence south forty three degrees and twenty tow minutes east (S 43° 22'E) a distance of five hundred seventy three (573.0') feet; thence north nineteen minutes east (N 19' E) a distance of eight hundred eighty six (886.0') feet to the point of beginning containing 6.17 acres.

And further authorize the Chairperson of the Kossuth County Board of Supervisors to sign a Quit Claim Deed to Paul P. Miller as executor of the Margie Ione Miller estate, Genese Swanson and Rose Thompson McGloughlin for the previously described real estate.

Dated this 1<sup>st</sup> day of April, 2011.

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Don McGregor, Chairperson  
Kossuth County Board of Supervisors

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Attest: Amber Garman  
Kossuth County Auditor

Motion by Besch and 2<sup>nd</sup> by Elsbecker to open the public hearing for discussion of the vacation of approximately 0.28 mile of originally established road #142 located on the north line of section 2 of Fenton Township. Roll Call Vote: Besch: yes, Elsbecker: yes, Plathe: yes, Wymore: yes, and McGregor: yes Motion carried.

No public comments were received by mail or at the hearing.

Motion by Plathe and 2<sup>nd</sup> by Wymore to close the public hearing for discussion of the vacation of approximately 0.28 mile of originally established road #142 located on the north line of section 2 of Fenton Township. Roll Call Vote: Besch: yes, Elsbecker: yes, Plathe: yes, Wymore: yes, and McGregor: yes Motion carried.

Motion by Besch and 2<sup>nd</sup> by Elsbecker to adopt Resolution #04-01-11-03 which vacates road #142. Roll Call Vote: Besch: yes, Elsbecker: yes, Plathe: yes, Wymore: yes, and McGregor: yes Motion carried.

**Resolution #04-01-11-03**

WHEREAS; This being the date and time for the public hearing on the proposed vacation and closure of a portion of Kossuth County local secondary road described as follows:

That part of originally established road #142, being 66' in width, 33' on each side of the following described centerline:

Commencing at the Northwest corner of section 2, T-97N, R-30W of the 5<sup>th</sup> P.M., Kossuth County, Iowa, thence 0.72 mile east along the north line of said section 2 to the point of beginning; thence continuing east approximately 0.28 mile on section line to the Northeast Corner of said section 2, T-97N, R-30W of the 5<sup>th</sup> P.M. and thence terminating.

WHEREAS; Proper and legal, notice and publications were served and published according to the Code of Iowa and,

WHEREAS; There were no claims for damages filed and,

WHEREAS; No written comments and questions were received from the public and,

WHEREAS; No comments or questions were received from the public during the public hearing.

NOW THEREFORE BE IT RESOLVED by the Kossuth County Board of Supervisors that the subject section of the road is ordered vacated and closed.

Roll call vote:

Besch: yes, Elsbecker: yes, McGregor: yes, Plathe: yes, and Wymore: yes.

DATE: April 1, 2011

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Don McGregor, Chairman  
Kossuth County Board of Supervisors

STATE OF IOWA            )  
                                  ) SS  
COUNTY OF KOSSUTH )

I, Amber Garman, hereby certify that I am the Secretary of the Kossuth County Board of Supervisors, that the above and foregoing resolution is a true and correct copy of the resolution which was passed, adopted and approved by the Kossuth County Board of Supervisors on the 1<sup>st</sup> day of April 2011.

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Amber Garman  
Kossuth County Auditor

Motion by Elsbecker and 2<sup>nd</sup> by Plathe to approve the low 2011 gravel crushing and stockpiling quote from Stratford Gravel, INC dba Wayne Hansen Construction of \$2.20 per ton for crushing and \$0.10 per ton for pumping General Provision Gravel and \$4.29 per ton for crushing and \$0.10 per ton for pumping Special Provision Gravel. Motion carried.

Motion by Wymore and 2<sup>nd</sup> by Elsbecker to award a contract to Heartland Asphalt, Inc., Mason City, Iowa, for \$1,745,446.15 to construct the following HMA projects that were let at the Iowa Department of Transportation on March 15, 2011:

- STP-SC055 (114)--5E-55
- FM-C055(115)--55-55
- FM-C055(135)--55-55
- FM-C055(136)--55-55
- LFM-RS801--7X-55

LFM-RS904—7X-55 and to further approve and authorize the chair of the Board of Supervisors to sign contracts and bonds when the appropriate contract documents are returned to the Kossuth County Engineer. Motion carried.

Motion by Plathe and 2<sup>nd</sup> by McGregor to approve and authorize the chair to sign Annual Financial Assurance Report for Kossuth County Sanitary Landfill. Motion carried.

Jack Bradley, Gary Taylor, ISU Extension and Joe Myrhe, NIACOG were present for discussion regarding updating the subdivision ordinance.

On motion adjournment was taken until April 5, 2011.

Attest:

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Amber Garman  
Kossuth County Auditor

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Don McGregor, Chairman  
Kossuth County Board of Supervisors